



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

FACT SHEET FOR H.B. 2154

failure to appear; arrest; fingerprinting

Purpose

Clarifies the procedure for 10-print fingerprinting of certain arrested persons and makes *violation of promise to appear* in court a form of *failure to appear in the second degree*.

Background

The Arizona Department of Public Safety (DPS) is responsible for operating and maintaining the central state repository for fingerprints and criminal histories in order to collect, store and disseminate complete and accurate criminal justice records and information. DPS is required to procure from all criminal justice agencies in this state, the personal identification data, fingerprints, charges, process control numbers and dispositions and other pertinent information of all persons who have been charged with, arrested for, convicted of or summoned to court as a criminal defendant for driving under the influence (DUI), any domestic violence or sexual offense or any other felony that has occurred in this state.

State law specifies that a *violation of promise to appear* occurs if, after giving a written promise to appear or having been served with a written notice to appear in court a person fails to appear on or before the designated court date, either personally or by counsel, and requires that an arrest warrant be issued for such a person (A.R.S. § 13-3903). Violating a written promise to appear is a class 2 misdemeanor (A.R.S. § 13-3904). State law separately specifies that a person commits *failure to appear in the second degree* if after having been required by law to appear in connection with any misdemeanor or petty offense a person knowingly fails to appear as required (A.R.S. § 13-2506).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

10-Print Fingerprinting

1. Specifies that a person arrested for a misdemeanor DUI, domestic violence or sexual offense must report to the *arresting agency* for 10-print fingerprinting.
2. Requires a person arrested by a municipal law enforcement agency for a misdemeanor DUI, domestic violence or sexual offense to appear before that municipal law enforcement agency for 10-print fingerprinting.

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3. Requires the court to order a person who is summoned for an indictment or complaint related to any DUI, domestic violence or sexual offense or any other felony, to appear before the County Sheriff to provide 10-print fingerprints and specifies that *summoned* includes a written promise to appear on a uniform traffic citation.
4. Replaces *arresting authority* with *booking agency* as the entity that is required to take 10-print fingerprints of persons arrested for any DUI, domestic violence or sexual offense or any other felony.
5. Defines *booking agency* as the County Sheriff, or a municipal law enforcement agency if a person is booked into a municipal jail.
6. Requires a municipal law enforcement agency that obtains fingerprints from a person for a misdemeanor DUI, domestic violence or sexual offense to:
 - a) obtain a process control number for the fingerprints; and
 - b) provide a document to the person that both serves as proof of the fingerprinting and informs the person that the document must be presented to the court.
7. Requires a County Sheriff that obtains fingerprints from a person for any DUI, domestic violence or sexual offense or any other felony to:
 - a) obtain a process control number for the fingerprints; and
 - b) provide a document to the person that both serves as proof of the fingerprinting and informs the person that the document must be presented to the court.

Failure to Appear

8. Changes the offense of *violation of promise to appear* into another form of *failure to appear in the second degree*.
9. Specifies that *failure to appear in the second degree* as a result of violating a written promise is a class 2 misdemeanor and requires an arrest warrant to be issued for the person.
10. Repeals A.R.S. § 13-3904 relating to *violation of promise to appear*.

Miscellaneous

11. Makes technical and conforming changes
12. Becomes effective on December 31, 2016.

House Action

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3 rd Read	2/11/16		59-0-1

Prepared by Senate Research
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